

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:04CR3129
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MERRILL D. OLVEY, JR.,)	
)	
Defendant.)	

This matter is before the court on a memorandum giving notice that an appeal appears untimely (filing 47). After the memorandum was docketed, an amended notice of appeal was filed (filing 48). The amended notice of appeal makes it clear that the appeal is timely, and thus moots the memorandum of untimeliness.

Accordingly,

IT IS ORDERED:

1. The Clerk of Court shall process the amended notice of appeal (48) as timely; and
2. The Clerk of Court shall provide a copy of this memorandum and order to the Court of Appeals for the Eighth Circuit.

DATED: June 10, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge